

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAP CITY DENTAL LAB, LLC

Plaintiff,

v.

Case No. 2:15-cv-2407

Judge Gregory L. Frost

Magistrate Judge Norah McCann King

RICHARD LADD, et al.,

Defendant.

ORDER

This matter is before the Court for consideration of the Magistrate Judge's November 16, 2015 Report and Recommendation. (ECF No. 33.) In that filing, the Magistrate Judge recommended that the Court deny Plaintiff's pending motion to remand this case to state court. (ECF No. 12.)

The R&R advised the parties that, "[i]f any party seeks review by the District Judge of this [R&R], that party may, within fourteen (14) days, file and serve on all parties objections to the [R&R], and the part thereof in question, as well as the basis for objection thereto." (ECF No. 33, at PAGEID # 815.) The R&R specifically advised the parties "that failure to object to the [R&R] will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the [R&R]." (*Id.* at PAGEID # 815 (citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)).

The Court has reviewed the R&R. Noting that no objections have been filed, and that the time period for filing objections has expired, the Court hereby **ADOPTS AND AFFIRMS** the

R&R (ECF No. 33) and **DENIES** Plaintiff's motion to remand this case to state court (ECF No. 12).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE